**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8310 OF 2005**

Mrs. Sarah Krishna Kumar ... Petitioner

V/s

State of Maharashtra & ors. ... Respondents

Mr. R.G. Walia for the petitioner.

Mr. M.H. Solkar, A.G.P. for Respondent Nos. 1 & 4.

Mr. P.N. Shastri for respondent Nos. 2 & 3.

Respondent No.5 present in person.

**CORAM: P.V. KAKADE, J.**

**DATED: 13TH JANUARY, 2006**

**P.C.**:

1. Heard learned counsel for both parties. Perused the record.

2. Rule. Rule made returnable forthwith by consent.

3. The petitioner has challenged the order dated 1.10.2005 passed by the Presiding Officer, School Tribunal, Mumbai, rejecting the application for amendment which was filed in Appeal No. 10 of 2004 on

the ground that, after filing of the present appeal certain developments had taken place and to bring the additional facts on record and apprising the Tribunal of the same, it has become necessary to amend the appeal as per the schedule.

4. I have perused the schedule of the proposed amendment alongwith reasonings adopted by the Tribunal while rejecting the application.

5. The learned counsel for the respondents submitted that, rejection of the amendment application was separate cause of action and, therefore, the petitioner should have filed the separate appeal, however, instead of such remedy she has preferred the writ petition.

6. No doubt that independent remedy was available. However, it cannot be forgotten that it is an interim matter and if the petitioner is again directed to file appeal, much time would be lapsed unnecessarily which would delay the adjudication of the appeal itself.

Moreover, perusal of the record also shows that the amendment which is sought for is also consequential in nature and is a must so as to adjudicate the issues

involved in the appeal effectively.

6. In view of this position, the petition is made absolute in terms of prayer clauses (a) & (b) and stands disposed of with no order as to costs.

7. All contentions of both parties are left open.

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